

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed June 1, 2004. At the time of the Office Action, Claims 1-55 were pending in the Application. Applicant amends Claims 1-6, 10-16, 20-26, 31-36, and 39-55 without prejudice or disclaimer. The amendments to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Abstract

The Examiner objects to the abstract because it purportedly does not describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Applicant has reviewed the abstract and proffers that the abstract, in its current form, is in complete compliance with the relevant portions of the MPEP. Applicant presumes this contention to be a minor oversight by the Examiner.

In The Specification

The Examiner objects to the title of the invention as not being descriptive and requests that a new title that is clearly indicative of the invention to which the claims are directed be made. Applicant has reviewed the relevant portions of the MPEP (esp. §608(1)(b)), and earnestly proffers that he is in full compliance with pertinent sections thereof. Applicant again presumes this to be a minor oversight by the Examiner.

In The Drawings

The Examiner objects to the drawings because there are some minor typographical errors present. Formal drawings for the Application have been appended to this Response. Applicant submits that the formal drawings do not add any new matter to the Application and are in full compliance with 37 U.S.C. §1.81, §1.83, and §1.84. The drawings correct a minor typographical error in FIGURE 4 in order to address the Examiner's concern. Applicant

apologizes for this clerical mistake. The other objection tendered by the Examiner is improper. The term ‘SAM’ is used to identify the service access manager.

Section 102 Rejections

The Examiner rejects Claims 1-3, 11-13, 21-23, and 31-33 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,711,141 issued to Rinne (hereinafter “*Rinne*”). The Examiner rejects Claims 41-42, 44-47, 49-52, and 54-55 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,587,457 issued to Mikkonen (hereinafter “*Mikkonen*”). These rejections are respectfully traversed for the following reasons.

As amended, Independent Claim 1 recites a method for label edge routing in a wireless network that includes a mobile unit operable to: “allocate a session specific label in response to session activity associated with an end user of the mobile unit [and to] communicate a new label stack to the serving node such that the serving node can perform routing at a layer two level.”

Applicant respectfully notes that in order for a claim to be anticipated, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. (See §MPEP 2131.) Using this rationale, *Rinne* cannot inhibit the patentability of the pending claims because *Rinne* fails to offer any system that provides for an ability to communicate a new label stack to the serving node such that the serving node can perform routing at a layer two level. The Examiner has failed to cite any portion of *Rinne* that offers such a disclosure. Moreover, *Rinne* fails to provide any operation associated with layer-two routing: particularly in the context of the mobile unit enabling such an operation.

Accordingly, Independent Claim 1 is patentable over *Rinne* for at least this reason. Additionally, Independent Claims 11, 21, 31, 41, 46, and 51 include a similar limitation (but not identical) and, thus, are also allowable over *Rinne* for similar reasons. In addition, the corresponding dependent claims associated with these Independent Claims are also patentable over *Rinne* for analogous reasons.

Section 103 Rejections

The Examiner rejects Claims 4-5, 14-15, 24-25, and 34-35 under 35 U.S.C. §103(a) as being unpatentable over *Rinne* in view of *Mikkonen*. The Examiner rejects Claims 6-7, 16-17, 26-27, and 36-37 under 35 U.S.C. §103(a) as being unpatentable over *Rinne* in view of U.S. Patent No. 6,680,943 issued to Gibson (hereinafter "*Gibson*"). The Examiner rejects Claims 8-9, 18-19, 28-29, and 38-39 under 35 U.S.C. §103(a) as being unpatentable over *Rinne*, *Gibson*, U.S. Publication No. 2002/0067704 A1 issued to Ton (hereinafter "*Ton*") as applied to Claims 6, 16, 26, and 16 (*sic*), and further in view of well established teaching in art. The Examiner rejects Claims 10, 20, 30, and 40 under 35 U.S.C. §103(a) as being unpatentable over *Rinne* and *Gibson* as applied to Claims 6, 16, 26, and 16 (*sic*), and further in view of well established teaching in art. The Examiner rejects Claims 43, 48, and 53 under 35 U.S.C. §103(a) as being unpatentable over *Mikkonen* in view of well established teaching in art.

Applicant notes that the Examiner has failed to satisfy each of the elements of non-obviousness, which are required to support a proper §103 analysis. According to MPEP §2143, to establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation to combine the references. Second, there must be a reasonable expectation of success. Third, the prior art combination of references must teach or suggest all the claim limitations. (See generally MPEP §2143.) As an initial matter, the Examiner has failed to meet his burden with respect to the third criteria of non-obviousness, as none of the references cited by the Examiner include the limitation identified supra with respect to the proffered §102 analysis.

Accordingly, these rejected claims are also allowable over the references cited by the Examiner based on, at least, this reason. Neither *Mikkonen*, nor *Gibson*, nor *Ton* offer any additional subject matter that is combinable with *Rinne* in order to inhibit the patentability of the pending claims. This is because none of these references teach, suggest, or disclose an ability to communicate a new label stack to the serving node such that the serving node can perform routing at a layer two level. Because the above-identified Independent Claims include this limitation, any combination of the cited references would fail in the context of any type of rejection (i.e. a §102 or a §103 rejection). Hence, for at least this single reason, the pending claims are allowable over the cited references.

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Thus, all of the pending claims have been shown to be allowable. Notice to this effect is respectfully requested in the form of a full allowance of the pending claims.

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not correct, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas Frame at 214.953.6675.

Respectfully submitted,
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